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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 MICHAEL PROVOST,

12 Plaintiff,

13 v.

14 ANDREW SAUL, Commissioner of Social
15 Security,

16 Defendant.

No. 2:21-cv-00512 AC

ORDER TO SHOW CAUSE

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18 Plaintiff filed a complaint March 20, 2021. ECF No. 1. On March 23, 2021, plaintiff was
19 informed that after service of the complaint, this action would be stayed pursuant to General
20 Order Number 615, and there would be no scheduling order or deadlines in effect pending further
21 order of the court. ECF No. 3. The order also specified that within fourteen days, plaintiff must
22 submit to the United States Marshal a completed summons and copies of the complaint and to file
23 a statement with the court that said documents have been submitted to the United States Marshal.
24 Id. Consent/Decline forms were also issued, with a due date of June 24, 2021. ECF No. 5.

25 Plaintiff's counsel admittedly did not timely submit service documents to the U.S.
26 Marshal. ECF No. 7. On April 8, 2021, the court ordered plaintiff to submit the documents no
27 later than April 21, 2021. ECF No. 6. The court reminded plaintiff consent forms were due June
28 24, 2021. Id. Plaintiff then filed for an extension of time to submit service documents, stating

1 that the documents had, by the time the motion was filed, been provided to the U.S. Marshal.
2 ECF No. 7. Based on this representation the court granted the motion for an extension of time
3 and acknowledged that plaintiff had given the Marshals the service documents. ECF No. 8.


4 As of the date of this order, the Commissioner has not appeared in this action. Plaintiff
5 has not submitted the required consent/decline form. No proof of service has been filed. The
6 present posture of this case leaves the court concerned that plaintiff did not actually provide the
7 Marshals service documents necessary for service, and/or and that plaintiff has abandoned this
8 case.

9 Local Rule 110 provides that failure to comply with court orders or the Local Rules “may
10 be grounds for imposition of any and all sanctions authorized by statute or Rule or within the
11 inherent power of the Court.”

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff is Ordered to Show Cause, in writing no later than July 9, 2021, why this action
14 should not be dismissed for failure to prosecute;
- 15 2. Plaintiff’s filing of a proof of service upon defendant AND submission of his
16 consent/decline form will be deemed good cause shown;
- 17 3. Any and all expenses associated with private service of process fees shall be borne by
18 plaintiff’s counsel and not plaintiff; and
- 19 4. If plaintiff fails to comply with this order, the case will be dismissed.

20 DATED: June 30, 2021

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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